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# ROLLING COAL: AN IMMATURE PROVOCATION

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On August 16, 2016, new regulations, demanding that heavy-duty trucks reduce their emissions, were unveiled.

[i]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx

#\_edn1) During his first term, President Obama actively strove to combat rising greenhouse gas emissions from the transportation sector.[ii]

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#\_edn2) Specifically, the Obama Administration “put in place the first national policy to increase the fuel economy of medium- and heavy-duty trucks with model years between 2014 and 2018.”[iii]

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#\_edn3) The regulations that were recently unveiled mandate that heavy-duty pickup trucks and vans “must become 2.5 percent more efficient each year between 2021 and 2027.”[iv]

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#\_edn4) Among those targeted by these regulations are diesel truck owners.

In response to these regulations, some diesel truck owners have removed or altered their trucks’ emissions

controls to allow their trucks to “roll coal.”[v]

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#\_edn5) The act of “rolling coal” has been ridiculed by many environmentalists. Many of them consider these actions to be repulsive and often view “rolling coal” as a conservative political stance against the Obama Administration.[vi]

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#\_edn6) However, diesel truck owners oftentimes defend these actions as a “brazen show of American freedom.”[vii]

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#\_edn7)

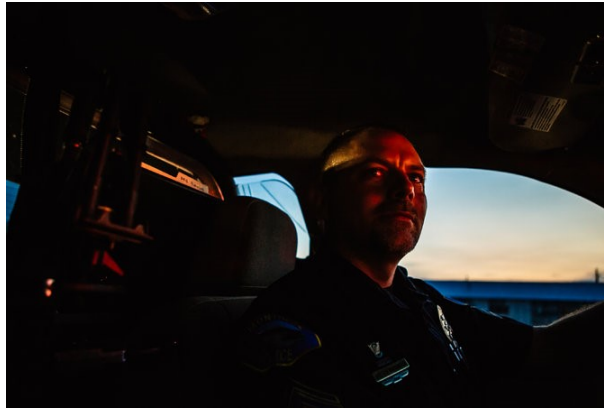
Specifically, these diesel truck enthusiasts defend “rolling coal” as a longstanding practice that has its origins in the rural motorsport of truck-pulls, where truck owners compete to pull a heavy sled the farthest distance.[viii]

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#\_edn8) In furtherance of this motorsport, truck owners modify their trucks to pump excessive fuel into the engines, thus increasing horsepower and torque; however, these trucks are oftentimes stripped of their emissions controls and excessive amounts of black smoke are also produced.[ix]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx

#\_edn9) While most agree that this black smoke actively pollutes the environment by wasting fossil fuels that directly contribute to global warming, the extent of this environmental effect is hotly debated among environmentalists and diesel truck enthusiasts.



Many suggest that “rolling coal” is not likely to have much of an environmental effect, especially when compared to industrial factories, deforestation, or other coal and biomass cooking stoves that are used worldwide.[x]  
(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20Rolling%20Coal%20Blog.docx#\_edn10) However, as Anthony Wexler, Director of the Air Quality Research Center at the University of California, Davis, suggests, “It’s like so many other things – if a few people are doing it, at truck shows or race tracks, it doesn’t really matter . . . If it becomes a lot of people doing it, that’s when it matters.”[xi]  
(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20Rolling%20Coal%20Blog.docx#\_edn11) In accordance with Wexler’s statements, the Environmental Protection Agency (EPA) suggests that the “rolling coal” epidemic is becoming an environmental issue due to the increasing number of diesel trucks on the roads.[xii]  
(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20Rolling%20Coal%20Blog.docx#\_edn12)

In response to this issue, state legislatures and law enforcement officials are beginning to take action. In 2015, New Jersey became the first state to explicitly ban “rolling coal,” going beyond the federal regulations that prohibit drivers from altering a truck’s emissions controls.[xiii]  
(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20Rolling%20Coal%20Blog.docx#\_edn13) A similar bill is currently being considered in Illinois, and other bills have been considered in Colorado and Maryland, but ultimately those states failed to implement the proposed ban.[xiv]  
(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20Rolling%20Coal%20Blog.docx#\_edn14) As more evidence is collected and the negative environmental effects of “rolling coal” are substantiated, I suspect that many other states will follow New Jersey’s path.

There is, however, continuing disagreement amongst environmentalists about the new regulations that were implemented by the Obama Administration and state legislative action. Some environmentalists advocate that such regulations are necessary and are best-equipped to limit the environmental effects of diesel trucks. However, other environmentalists argue that such regulations are not the solution. Rather, these environmentalists would advocate for increasing taxes on diesel fuel, thus taxing people into the behavior they desire.[xv]  
(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20Rolling%20Coal%20Blog.docx#\_edn15)

While increased taxes could potentially prevent “rolling coal” more effectively than the current regulations, these increased taxes could also have severe, negative implications. For example, diesel is the primary fuel used in farming; by taxing diesel fuel at higher rates, farmers could incidentally be negatively impacted. Thus, while the regulations that have been enacted might not be the most effective measure, the regulations are likely the most appropriate governmental action to combat the “rolling coal” epidemic.

[i]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref1) Tim Worstall, *Obama's Mistake: Increase the Gas Tax, Not Fuel Standards*, Forbes (Aug. 17, 2016, 11:44 AM), <http://www.forbes.com/sites/timworstall/2016/08/17/obamas-mistake-increase-the-gas-tax-not-fuel-standards/#91a9c79fe136>.

[ii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref2) *Id.*

[iii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref3) *Id.*

[iv]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref4) Press Release, The White House Office of the Press Sec'y., Fact Sheet: Obama Admin. Announces New Actions to Spur Innovation and Promote More Efficient Cars and Trucks (Aug. 16, 2016) (on file with author).

[v]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref5) Hiroko Tabuchi, *'Rollin Coal' in Diesel Trucks, to Rebel and Provoke*, The New York Times (Sept. 4, 2016), [http://www.nytimes.com/2016/09/05/business/energy-environment/rolling-coal-in-diesel-trucks-to-rebel-and-provoke.html?ref=topics&\\_r=4](http://www.nytimes.com/2016/09/05/business/energy-environment/rolling-coal-in-diesel-trucks-to-rebel-and-provoke.html?ref=topics&_r=4).

[vi]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref6) Wyler, *supra* note i.

[vii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref7) Tabuchi, *supra* note vi.

[viii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref8) *Id.*

[ix]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref9) *Id.*

[x]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref10) Wyler, *supra* note i.

[xi]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref11) *Id.*

[xii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref12) *See* Tabuchi, *supra* note i.

[xiii]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref13) *Id.*

[xiv]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref14) *Id.*

[xv]

(file:///C:/Users/Evan/Documents/KJournal/2016%20blogs/Blogs/Conner%20'Rolling%20Coal'%20Blog.docx#\_ednref15) Worstall, *supra* note ii.

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